




Guide to Jurisdiction in OSHA, Region 10

Version 8.0

General Principles - Federal civilian employers are covered by OSHA throughout the four-state region. State, county, municipal and other non-federal public employers are covered by state programs in Washington, Oregon, and Alaska. There is no state program in Idaho, and OSHA's coverage of public employers in Idaho is limited to the federal sector; OSHA regulates virtually all private employers in Idaho (exceptions noted below).






Additions or corrections added to this version are annotated in red.

Industry / Location	State Coverage	OSHA Coverage
Air Carriers 	<input type="checkbox"/> Washington, Oregon and Alaska: Air carrier ¹ operations on the ground.	<input type="checkbox"/> Washington, Oregon and Alaska: No coverage at this time. <input type="checkbox"/> Idaho: Air carrier operations on the ground.
Commercial Diving 	<input type="checkbox"/> Washington, Oregon and Alaska: Employers with diving operations staged from shore, piers, docks or other fixed locations.	<input type="checkbox"/> Washington, Oregon, and Alaska: Employers with diving operations staged from boats or other vessels afloat on navigable waters ² . <input type="checkbox"/> Idaho: All diving operations for covered employees.
Construction 	<input type="checkbox"/> Washington, Oregon, and Alaska: All construction contractors, except for those covered by OSHA (see bullet points to the right). <input type="checkbox"/> In the state of Washington only, for accidents involving crane operations which cross jurisdictional lines, see footnote 6 on page 3.	<input type="checkbox"/> Washington and Oregon: Contractors on military bases, and portions of construction projects where employers use boats or other vessels afloat ³ on navigable waters; and contractors at all national parks. <input type="checkbox"/> Alaska: Portions of construction projects where contractors use boats or other vessels afloat on navigable waters. Also, off-shore oil rigs and artificial islands, and Denali National Park. <input type="checkbox"/> Idaho: All contractors, except at DOE/INL. (see page 8).

¹ The term "air carrier" refers to private employers engaged in air transportation of passengers and/or cargo.





² The term "navigable waters" means those that are deep and wide enough to afford ships, vessels or structures (used and capable of transportation on water passage to the ocean). OSHA's jurisdiction extends three nautical miles from shore; this principle applies to all situations involving navigable waters, including commercial diving and fishing, and marine spill response.

³ In the state of Washington, for vessels afloat, such as boats, ships and barges moored at a pier or dock, DOSH's jurisdiction ends at the edge of the dock or pier and OSHA's jurisdiction begins at the foot of the gangway or other means of access to the vessel; this principle applies to all situations involving moored vessels, including construction, longshoring, and ship repair. Furthermore, **DOSH** covers houseboats and floating docks which are attached to piers or other non-floating structures (e.g., boat docks at marinas which rise and fall with the tide).

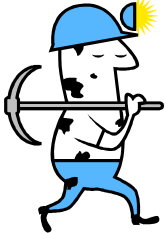



Industry / Location	State Coverage	OSHA Coverage
Dams 	<input type="checkbox"/> Washington, Oregon and Alaska: Private sector employers performing construction and other work at all dams, <u>except</u> where work is being performed using boats or other vessels on navigable waters.	<input type="checkbox"/> Washington, Oregon and Alaska: Federal employers at dam sites and private employers performing work using boats or other vessels on navigable waters. <input type="checkbox"/> Idaho: Federal and private employers at all dams.
Ferry Boats 	<input type="checkbox"/> Washington, Oregon, and Alaska: State and other non-federal public employers working aboard ferries. (See "Ship Building and Repair" if ferry is being built or repaired.)	<input type="checkbox"/> Washington, Oregon, and Alaska: Private employers working aboard ferries on navigable waters. (See "Ship Building and Repair" if ferry is being built or repaired.)
Fishing Vessels and Fish Processors 	<input type="checkbox"/> Washington and Oregon: No jurisdiction over fishing vessels ⁴ or floating processors. <input type="checkbox"/> Alaska: Permanently moored fishing vessels <i>not</i> affected by tide.	<input type="checkbox"/> Washington, Oregon and Alaska: Uninspected vessels ⁵ fishing or processing within three nautical miles of the coast on navigable waters. Also: <input type="checkbox"/> <i>In Alaska only</i> , permanently moored fishing vessels affected by tide.
General Industry 	<input type="checkbox"/> Washington, Oregon and Alaska: All employers with the exception of those covered by OSHA.	<input type="checkbox"/> Washington & Oregon: Industries and locations as described herein. <input type="checkbox"/> Alaska: Industries and locations as described herein, <i>and</i> all work activities performed on off-shore oil rigs and artificial islands. <input type="checkbox"/> Idaho: Industries and locations as described herein.
Logging 	<input type="checkbox"/> Washington: Employers logging on lands owned by private entities or on land managed by the U.S. Forest Service or by the Bureau of Land Management (BLM). Also, logging by non-tribal employers on Indian reservations or on trust lands. <input type="checkbox"/> Oregon: All logging operations except for Indian reservations and military bases. <input type="checkbox"/> Alaska: All logging operations except on Annette Island.	<input type="checkbox"/> Washington: Tribal employers logging on Indian reservations or on trust lands. Also, any employer logging on Fort Lewis or other military bases. <input type="checkbox"/> Oregon: Logging on Indian reservations and on military bases. <input type="checkbox"/> Alaska: Logging on Annette Island only. <input type="checkbox"/> Idaho: All logging operations.

⁴ The term "fishing vessels" includes boats used to harvest shellfish, mostly commonly oysters.



⁵ (46 USC §3301) and not recreational vessels under 46 USC §2101(43).

Industry / Location	State Coverage	OSHA Coverage
Longshoring and Marine Terminals 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington: Employers with operations ashore at marine terminals⁶. <input type="checkbox"/> Oregon: Construction activities and manufacturing areas at marine terminals. <input type="checkbox"/> Alaska: No jurisdiction. 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington: Employers with operations aboard vessels afloat, such as container ships, cargo barges, and boom boats⁶. <input type="checkbox"/> Oregon, Alaska and Idaho: All longshoring and marine terminal operations on and off the water.
Marine Spill Response 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington, Oregon and Alaska: Public sector employers (<i>except</i> federal) aboard vessels and ashore. Also, private contractors ashore, <i>except</i> in Olympic National Park (Washington only). 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington, Oregon and Alaska: Private and federal employers aboard vessels, e.g., EPA and contractor spill responses. Also, federal employees ashore. <i>In Washington only</i>, private employers within the boundaries of Olympic National Park.
Migrant Farm Workers 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington: Temporary labor camps and field sanitation under terms of a memorandum of understanding with the Washington Department of Health. <input type="checkbox"/> Oregon and Alaska: Temporary labor camps and field sanitation. 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington, Oregon and Alaska: No jurisdiction due to state coverage. <input type="checkbox"/> Idaho: No jurisdiction due to coverage by U.S. DOL, Wage & Hour Division except for farming operations that maintain temporary labor camps. (See CPL 2-0.51J-Enforcement Exemptions and Limitations under the Appropriations Act).
Military Bases 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington: Private employers, as well as public sector employers (<i>except</i> federal) on military property <i>outside the boundaries</i> of a base, e.g., housing areas, post exchanges. <input type="checkbox"/> Oregon: Public sector employers (<i>except</i> federal) on military bases. <input type="checkbox"/> Alaska: Private employers, as well as public sector employers (<i>except</i> federal) on most military bases. 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington, Oregon and Idaho: Federal civilian employers and private contractors. <input type="checkbox"/> Alaska: Federal civilian employers on all bases; also, private contractors at four missile defense facilities and four Coast Guard locations. See endnote¹ on last page for a list of the sites. <p><u>Note:</u> Neither OSHA nor the states cover uniformed military personnel.</p>

⁶ In the event of accidents involving crane or mooring operations which cross jurisdictional lines, joint investigations by OSHA and **DOSH** may be appropriate. For example, if a draft (load) hoisted using a pier-side or shore-based crane falls onto a floating vessel and injures workers, OSHA and **DOSH** may jointly investigate to determine the cause.

Industry / Location	State Coverage	OSHA Coverage
Mining 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington, Oregon and Alaska: All activities at mines covered under the state plan which are not regulated by MSHA. (See bullet on federal jurisdiction in Idaho). 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington, Oregon: No jurisdiction. <input type="checkbox"/> Alaska: Longshoring and marine terminal operations at Red Dog mine. <input type="checkbox"/> Idaho: Contractors on mine sites not performing mining, milling or associated operations. No jurisdiction of owners, operators, or contractors on mine sites conducting mining, milling or associated operations. Examples of OSHA jurisdiction would include, but not limited to, construction at abandoned mines, temporary housing, hospitals, and longshore operations.
Motor Vehicles 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington, Oregon and Alaska: Commercial motor vehicles that operate interstate⁷ are covered by FHWA. Need to check with state DOT for intrastate jurisdiction. 	<ul style="list-style-type: none"> <input type="checkbox"/> Idaho: Commercial motor vehicles that operate interstate⁷ are covered by FHWA. Generally any motor vehicle that is not regulated by FHWA may be covered by OSHA. <input type="checkbox"/> Washington, Oregon and Alaska: No jurisdiction due to state coverage, except for vehicles operated exclusively at work sites.
National Guard 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington and Alaska: State National Guard civilian employees, and private contractors at National Guard facilities. <input type="checkbox"/> Oregon: State National Guard civilian employees only. <p><u>Note:</u> Neither OSHA nor the states cover uniformed military personnel except for military technicians, who are uniformed civil service.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Washington and Alaska: Federal National Guard employees. <input type="checkbox"/> Oregon and Idaho: Federal National Guard employees and private contractors at National Guard facilities. <p><u>Note:</u> Neither OSHA nor the states cover uniformed military personnel except for military technicians, who are uniformed civil service.</p>
National Parks 	<ul style="list-style-type: none"> <input type="checkbox"/> Washington: Public sector employers (<i>except</i> federal). <input type="checkbox"/> Oregon: Public sector employers (<i>except</i> federal). <input type="checkbox"/> Alaska: Public sector employers (<i>except</i> federal), as well as private employers at all national parks, <i>except</i> Denali National Park (Mount McKinley). 	<ul style="list-style-type: none"> <input type="checkbox"/> Region-wide: National Park Service and other federal employers. <p>Also:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Washington: Private employers within the boundaries of all national parks. <input type="checkbox"/> Oregon: Private employers within the boundaries of Crater Lake National Park. <input type="checkbox"/> Alaska: Private employers at Denali National Park (Mount McKinley).

⁷ Interstate operation is defined in 49CFR390.3 and by policy memorandum issued by Federal Highway Administration (FHWA) on February 8, 2000, as any operation of the vehicle or the driver crossing state boundaries in a four month preceding period.


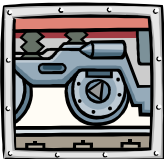

Industry / Location	State Coverage	OSHA Coverage
<p>Native American Tribes⁸</p> 	<ul style="list-style-type: none"> ❑ Washington: Employers who are enrolled tribal members performing work off Indian reservations, <i>except</i> on trust lands⁹. Also, non-tribal employers working on Indian reservations or on trust lands. ❑ Oregon: Public employers (except federal) on Indian reservations or trust lands. ❑ Alaska: All Indian reservations, <i>except</i> on Annette Island (Metlakatla tribe) and trust lands. On Annette Island, state employees such as school district operations are covered. Also, health care facilities¹⁰ owned or leased by tribal organizations, <i>except</i> on Annette Island. In addition, construction contractors, subcontractors and contracted maintenance activity at all health care facilities, <i>except</i> on Annette Island. 	<ul style="list-style-type: none"> ❑ Washington: Tribally-owned establishments on reservations or on trust lands. Also, employers who are enrolled tribal members working on reservations or on trust lands.^{9, 11} ❑ Oregon: Private and tribal employers on reservations and trust lands. ❑ Alaska: All activity on Annette Island and trust lands except school district. Also, federally-owned and contractor-operated health care facilities¹⁰, <i>except</i> for construction contractors, subcontractors, and contracted maintenance activities at such facilities. ❑ Idaho: Employers on all reservations.
<p>Oil & Gas Well Drilling and Servicing</p> 	<ul style="list-style-type: none"> ❑ Washington, Oregon and Alaska: All oil and gas well drilling and servicing, <i>except</i> where such work occurs on fixed offshore platforms located within State waters and on inland navigable waterways. 	<ul style="list-style-type: none"> ❑ Washington, Oregon and Alaska: Oil and gas well drilling and servicing on fixed offshore platforms located within State waters and on inland navigable waterways. ❑ Idaho: All oil and gas well drilling and servicing operations.

⁸ All intramural operations on Indian Reservations and trust lands are excluded from both federal and state jurisdiction. Intramural operations are defined as those activities carried out within the bounds of the reservation or trust lands for the sole benefit of tribal members.

⁹ Trust lands are those held in trust by the federal government for Native American tribes.

¹⁰ A 2001 memorandum of understanding entitled “*Jurisdiction for Native Health Care Facilities in Alaska*” lists the facilities covered by OSHA (Appendix A) and by AKOSH (Appendix B). For a copy, contact OSHA at the number listed at the end of this document.

¹¹ Regarding the *Colville Tribe only*: A November 1989 “model management agreement” between the Colville Tribe and DOSH called for inspections of Indian-owned or tribal workplaces to be conducted either by the tribe or by joint State-Tribal inspection teams, and for citations to be issued under tribal law only (emphasis added). OSHA approved the agreement, but determined that in order to provide workers on the Colville reservation the same rights and protections as other workers, OSHA reasserted Federal enforcement authority over Indian-owned and tribal workplaces. This change was published in the Federal Register on April 19, 2004.




Industry / Location	State Coverage	OSHA Coverage
Pipeline Safety 	<input type="checkbox"/> Washington, Oregon, and Alaska: Jurisdiction over contractors performing service or maintenance of an active pipeline or constructing new pipelines. No jurisdiction of owners or operators of active pipelines where USDOT, Office of Pipeline Safety has a regulation covering the activity. See Title 49 CFR 192. An example would be OSHA has no jurisdiction over respiratory protection or confined space entry.	<input type="checkbox"/> Washington, Oregon, Alaska: Federal employees only. <input type="checkbox"/> Idaho: Jurisdiction over contractors performing service or maintenance of an active pipeline or constructing new pipelines. No jurisdiction of owners or operators of active pipelines where Office of Pipeline Safety has a regulation covering the activity. See Title 49 CFR 192. An example would be OSHA has no jurisdiction over respiratory protection or confined space entry.
Railroads 	<input type="checkbox"/> Washington, Oregon and Alaska: Railroad shops, as well as track construction and repair. ¹² <input type="checkbox"/> Washington: Sound Transit Rail: Light rail that is not connected to the general railroad system, i.e. the electric system to the SEATAC airport.	<input type="checkbox"/> Washington, Oregon and Alaska: Railroad construction/repair on military bases (except bridges), and in Alaska and Oregon, longshoring and marine terminal operations involving rail operations. <input type="checkbox"/> Idaho: Railroad shops as well as track construction and repair ¹² except for bridge construction.
Ship Building and Repair 	<input type="checkbox"/> Washington: Employers building or repairing vessels ashore. Also, employers building new vessels ¹³ in a graving dock ¹⁴ on a marine railway, or on a syncrolift (marine elevator) ¹⁵ . <input type="checkbox"/> Oregon: Construction and other non-shipbuilding and repair activities at shipyards. <input type="checkbox"/> Alaska: No jurisdiction.	<input type="checkbox"/> Washington: Employers building or repairing vessels on navigable waters, e.g., vessels afloat or on floating drydocks. Also, employers repairing vessels in a graving dock, on a marine railway or on a syncrolift. ¹⁵ For accidents involving cranes, see footnote 6. <input type="checkbox"/> Oregon and Alaska: All shipbuilding and repair on and off water.


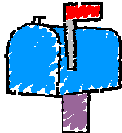

¹² Neither the states nor OSHA cover “rolling stock” (railroad equipment in operation) because the Federal Railroad Administration (FRA) enforces pertinent rules. Neither the states nor OSHA cover railroad bridge construction per Federal Register Title 49 CFR Part 214. **AMTRAK is a stock issued corporation and as such shall be treated as a private employer.**

¹³ A vessel is considered “new” if it has not yet been in the water.

¹⁴ Graving docks are fixed drydocks from which water is pumped; they do not float.

¹⁵ When a vessel is removed from a graving dock, marine railway or syncrolift and placed ashore for repairs, jurisdiction switches from OSHA over to **DOSH**. Currently, there is only one syncrolift in the state of Washington, located at Dakota Creek Industries in Anacortes.

Industry / Location	State Coverage	OSHA Coverage
Tugboats 	<input type="checkbox"/> Washington, Oregon, and Alaska: No jurisdiction over private tugboat operations while vessels are underway. (See “Ship Building and Repair” above if tug is being built or repaired.)	<input type="checkbox"/> Washington, Oregon and Alaska: Private employers operating tugboats on navigable waters. (See “Ship Building and Repair” above if tugboat is being built or repaired.) <u>Note:</u> The USCG has proposed regulations to include towing vessels as inspected vessels. When finalized these vessel will become USCG jurisdiction.
U.S. Army, Umatilla Chemical Agent Disposal Facility (Oregon only) 	<input type="checkbox"/> Oregon: State, county and local emergency response operations both on and off the Umatilla Chemical Depot.	<input type="checkbox"/> Oregon: Private employers at the disposal facility, including the primary contractor and any subcontractors who operate or perform maintenance at the facility. <u>Note:</u> OR-OSHA may accompany OSHA personnel during site inspections and will be advised of results. Federal OSHA’s regulations and standards will be applied, and citations will be issued by OSHA.
U.S. Department of Energy (DOE) / Hanford (Washington only) 	<input type="checkbox"/> Washington: Employers at the Port of Benton; Energy Northwest (formerly known as Washington Public Power Supply System); and the low level waste facility operated by U.S. Ecology.	<input type="checkbox"/> Washington: DOE and other federal employers at Hanford. <u>Note:</u> DOE currently regulates safety and health for contractors at Hanford, except for employers regulated by WISHA (see bullet to the left). WISHA, OSHA and DOE are currently negotiating an MOU that will reflect significant changes in jurisdiction at Hanford when finalized.
U.S. Department of Energy (DOE) / INL - Idaho National Lab (Idaho only)	<input type="checkbox"/> Idaho: No safety and health jurisdiction is exercised by any state agency.	<input type="checkbox"/> Idaho: DOE and other federal employers at INL. <u>Note:</u> DOE currently regulates safety and health for contractors at INL.
U.S. Department of Energy (DOE) / Sites not subject to the Atomic Energy Act (AEA)	<input type="checkbox"/> Oregon: Private contractors performing work for the Bonneville Power Administration. <input type="checkbox"/> Washington: Private contractors performing work for the Bonneville Power Administration except within the controlled areas of the Hanford Reservation.	<input type="checkbox"/> Region-wide: Federal employees and contractors responsible for operating an entire facility under contract to DOE (contractor-operated facility). <input type="checkbox"/> Oregon: Contractors and federal employees at the Albany Research Center. <input type="checkbox"/> Washington: All Bonneville Power Administration operations within the controlled areas of the Hanford Reservation.

Industry / Location	State Coverage	OSHA Coverage
U.S. Forest Service 	<input type="checkbox"/> Washington, Oregon and Alaska: Private employers performing logging, construction or other work activities on Forest Service land.	<input type="checkbox"/> Region-wide: U.S. Forest Service and other federal agencies. <input type="checkbox"/> Idaho: Private employers performing logging, construction or other work activities on Forest Service land.
U.S. Postal Service 	<input type="checkbox"/> Washington, Oregon and Alaska: Private employers performing construction or other work <i>not</i> involving mail operations at postal facilities.	<input type="checkbox"/> Region-wide: USPS and other federal agencies. Also, private employers performing USPS mail operations, e.g., contract mail carriers and truck drivers transporting and loading/unloading mail. <input type="checkbox"/> Idaho: Private employers performing construction or other work <i>not</i> involving mail operations at postal facilities.
Whistleblowers 	<input type="checkbox"/> Washington, Oregon and Alaska: These states investigate complaints of discrimination under their respective statutory equivalents to section 11(c) of the Act, in industries or locations for which they have jurisdiction.	<input type="checkbox"/> Region-wide: OSHA investigates complaints of discrimination under section 11(c) of the Act in industries or locations under federal jurisdiction. OSHA <i>also</i> investigates whistleblower complaints throughout Region 10, filed under any of fifteen other federal statutes ¹⁶ .

¹⁶The **fifteen** other statutes are: Surface Transportation Assistance Act (STAA), Asbestos Hazard Emergency Response Act (AHERA), International Safe Container Act (ISCA), Energy Reorganization Act (ERA), CERCLA (Superfund), Safe Drinking Water Act (SDWA), Federal Water Pollution Control Act (FWPCA), Toxic Substances Control Act (TSCA), Solid Waste Disposal Act (SWDA), Clean Air Act (CAA), Wendell Ford Aviation Investment & Reform Act for the 21st Century (AIR21), Corporate and Criminal Fraud Accountability Act of 2002 (CCFA), Pipeline Safety Improvement Act (PSIA), **National Transit Systems Security Act (NTSSA)**, and **Federal Rail Safety Act (FRSA)**.

ⁱ OSHA covers both federal and private employers at the following missile defense facilities and U.S. Coast Guard locations in the state of Alaska:

- Cape Lisburne Air Force Station
- Point Lay Air Force Distance Early Warning Station
- Eareckson Air Station (Shemya Island, U.S. Department of Defense)
- Fort Greely (Delta Junction, U.S. Army)
- USCG Integrated Support Command, Kodiak
- USCG Integrated Support Command, Ketchikan
- USCG Air Station, Sitka
- USCG 17th District Command, Juneau

IMPORTANT NOTE

The purpose of this guide is to aid federal and state compliance officers, and other staff, in understanding jurisdictional issues in OSHA Region 10. It is intended for use as a quick reference tool, and *does not* change or supercede official operational status agreements, memoranda of understanding, Federal Register Notices, and the like.

If you have questions, comments or suggestions, contact the OSHA Office of Federal-State Operations at (206) 553-5932, ext. 8083. This document is periodically updated as new or different information is brought to OSHA's attention.